In re Application of Frink et al.
Serial No. 10/611,489

<div align="center">REMARKS</div>

The Office action dated July 1, 2005 has been carefully considered. In the Office action, claims 1-10 were rejected under the judicially created doctrine of obviousness-type double patenting in view of U.S. Patent No. 6,594,390. Further, claims 1-10 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,972,496 to Sklarew (hereinafter Sklarew).

By the present amendment, applicants hereby submit a terminal disclaimer, thereby overcoming the obviousness-type double patenting rejection, (although applicants do not agree that the claims are not patentably distinct over U.S. Patent No. 6,594,390).

Further, claims 1 and 3 have been have been amended to more particularly point out and distinctly claim the subject matter of the invention. Applicants submit that the amendments to the claims are unnecessary to distinguish the claimed subject matter from the prior art, and maintain that the claims recited patentable subject matter as filed and prior to amendment in view of the following remarks. Reconsideration is respectfully requested.

The present invention is generally directed to handwritten data entry and the conversion of handwritten data to virtual / key events that may be used by an application program, in a manner that is separate from / external to the application program, such that the application program need not directly receive and process the handwritten data, but instead need only receive and handle the virtual / key events. To this end, a software program or the like that is separate from / external to the application program operates to receive and process the handwritten data, such as by passing the handwritten data to a converter (e.g., recognizer) and receiving a key event that the manager program then passes to the application program. Note

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that the above summary is for informational purposes only and should not be used to interpret

the claims, which are discussed below.

In contrast to the claims, the application (editor) taught by Sklarew is intimately aware of

the system's ability to receive handwritten data for interpretation, and indeed, the handwriting

data is *received into the application and otherwise processed by the application* as it is

interpreted / recognized. This is blatantly apparent from FIG. 6 of Sklarew and its

accompanying text, wherein the application program (e.g., editor) 92 is directly connected to the

handwriting recognizer. In other words, in Sklarew, the application program receives the pen

input, and has to process the pen input in some way, that is, by sending it to the handwriting

recognizer for a recognition result. Indeed, Sklarew teaches the desirability of having the

application decide the meaning and interpretation of handwritten data entry; see e.g., Sklarew,

FIGS. 12A-12G and column 13, lines 1-10.

Sklarew's teachings are thus in direct contrast to the claims, wherein a software program

essentially processes the pen input for conversion (e.g., by sending it to a recognizer) into a key

event, and provides the key event to another application program. In fact, Sklarew teaches away

from the present invention, and applicants submit that Sklarew simply fails to teach, suggest or

provide any motivation for applicants' invention. Clearly, Sklarew, in which the application

directly receives and processes the pen input, thus fails to teach or in any way suggest an

"application program [that is] separate from the software program such that the application

program receives the key event without processing the pen input.

The other dependent claims are similarly patentable over Sklarew. This includes claim 3,

in which the key event provided from the first software program to the application program

corresponds to a gesture that does not represent an alphanumeric character.

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By law, in order to support an anticipation rejection, the Office action must show that

each and every element of the claimed invention is disclosed in a single reference, and that each

element is arranged as in the claim. Sklarew, which clearly does not teach or even suggest the

subject matter of the independent claims, (and in fact teaches away from them), is completely

deficient in meeting these requirements as a matter of law. Reconsideration and withdrawal of

the §102 rejections of claims 1- 10 based on Sklarew is respectfully requested.

Applicants also note that the added claims are also patentable over Sklarew for at least

reasons similar to those submitted with reference to claim 1 above. More particularly, Sklarew's

application handles the pen input, whereas the added claims essentially recite that the application

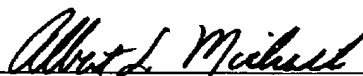receives a key event from another program without having to handle pen input.

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CONCLUSION

In view of the foregoing remarks, it is respectfully submitted that claims 1-20 of the

present application are patentable over the prior art of record, and that the application is in good

and proper form for allowance. A favorable action on the part of the Examiner is earnestly

solicited.

If in the opinion of the Examiner a telephone conference would expedite the prosecution of

the subject application, the Examiner is invited to call the undersigned attorney at (425) 836-3030.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this Amendment, Credit Card Payment Form, Petition for Extension

of Time, along with a facsimile cover sheet, are being transmitted by facsimile to the United

States Patent and Trademark Office in accordance with 37 C.F.R. 1.6(d) on the date shown

below:

Date: November 21, 2005   _____
                                             Albert S. Michalik

2031.3 Amendment

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